

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:17-CV-107-RJC-DCK**

**DELLA SHATLEY; MISTY SHATLEY;** )  
**and TIFFANY SHATLEY, Co-Administrators** )  
**of the Estate of Dallas Arthur Shatley,** )  
 )  
**Plaintiffs,** )

**v.** )

**ORDER**

)  
**JIM HARTLEY, in his official capacity as** )  
**Sheriff of Ashe County; JAMES WILLIAMS,** )  
**in his official capacity as Sheriff of Ashe** )  
**County; JOSHUA HOPKINS, individually** )  
**and in his official capacity as a Deputy with the** )  
**Ashe County Sheriff's Office;** )  
**CHRISTOPHER ROTEN, individually and in** )  
**his capacity as a Deputy with the Ashe County** )  
**Sheriff's Office; and EMPLOYERS** )  
**MUTUAL CASUALTY COMPANY,** )  
 )  
**Defendants.** )

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**THIS MATTER IS BEFORE THE COURT** on Plaintiffs' "Motion For Order To Preserve Criminal Prosecution File" (Document No. 32) filed August 2, 2018. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is ripe for disposition. Having carefully considered the motion and the record, the undersigned will grant the motion.

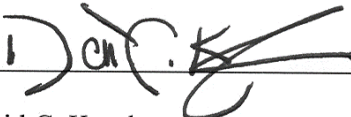
By the instant motion, Plaintiffs request that the criminal prosecution file of Defendant Joshua Hopkins, in the possession of the District Attorney for Davidson County and Davie County, North Carolina, and related to this civil action, be preserved until this civil action is resolved. (Document Nos. 32 and 33).

The undersigned notes that Defendants' counsel apparently declined to respond to Plaintiffs' counsel's attempt to confer on this matter pursuant to Local Rule 7.1(b), and has failed to file a timely response to the motion pursuant to Local Rule 7.1 (e). Id. Counsel is respectfully advised that the Court expects both sides to proceed in good faith and in accordance with the Federal Rules of Civil Procedure, the Local Rules of this Court, and the "Pretrial Order And Case Management Plan" (Document No. 25).

**IT IS, THEREFORE, ORDERED** that Plaintiffs' "Motion For Order To Preserve Criminal Prosecution File" (Document No. 32) is **GRANTED**.

**IT IS FURTHER ORDERED** that the criminal prosecution file of Defendant Joshua Hopkins, in possession of the District Attorney of Davidson and Davie Counties, North Carolina, be preserved until further order of the Court.

Signed: August 17, 2018

  
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David C. Keesler  
United States Magistrate Judge

